

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF MASSACHUSETTS

FRANCIS X. MOORE,)	
)	
Plaintiff,)	
)	
v.)	Civil No. 04-10922-DPW
)	
INTERNAL REVENUE SERVICE (UNITED)	
STATES GOVERNMENT),)	
)	
Defendant.)	

UNITED STATES' STATUS REPORT

Mr. Moore initiated this refund action with respect to a small portion of the liabilities assessed against him as a responsible person for the American Legion Post #368 pursuant to 26 U.S.C. § 6672 which he paid. The United States initiated a counterclaim to reduce the unpaid § 6672 assessments in the amount of approximately \$19,000.00 to judgment for the periods ending December 31, 1995. The parties completed discovery in this matter, and then moved for a stay of the proceedings to allow the Internal Revenue Service time to consider settlement of the employment tax liability with American Legion Post #368. Those settlement discussions have ended, and Mr. Moore's liabilities remain unresolved. This Court was notified of the end of settlement discussions on June 23, 2005, and a status conference was set for August 4, 2005, with a status report due by July 28, 2005.

At the time the stay was implemented, the United States was beginning to prepare a motion for partial summary judgment in this matter. Discovery has been

completed, and settlement is unlikely in this matter as Mr. Moore has made it clear to counsel for the United States that he does not wish to settle. As a result, the United States requests thirty days from the date of the status conference to file its motion, with a response time for Mr. Moore of thirty days thereafter, or a deadline of September 2, 2005 for the filing of the government's motion for summary judgment and a deadline of October 3, 2005 for the filing of Mr. Moore's response.

RESPECTFULLY SUBMITTED,

MICHAEL J. SULLIVAN
United States Attorney

I hereby certify that a true copy of the
above document was served upon (each party
appearing pro se and) the attorney of record
for each other party by mail on

7/27/05 - Lydia Bottome Turanchik

/s/ Lydia Bottome Turanchik
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